



FISCAL MEMORANDUM

HB 164 - SB 534

March 13, 2023

SUMMARY OF BILL AS AMENDED (005675): Authorizes the court, if a child was voluntarily left at a facility or in a newborn safety device and has resided within an adoption petitioner's home for at least three months, to waive the six-month waiting period to enter an order of adoption. Requires the Department of Children's Services (DCS) to file a petition seeking termination of parental rights within 10 calendar days after the 90-day period after which an infant was voluntarily surrendered, and requires the court to expedite the case to ensure the hearing of the termination petition is within 30 days of the petition filing, unless an extension is in the best interest of the child.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on information provided by the Commission on Children and Youth, approximately five children are estimated to be surrendered under the state's Safe Haven Law.
- Based on information provided by DCS, it is reasonable to assume that the majority of potential adoptive children live in their foster home for more than six months prior to the adoption petition being filed. Therefore, decreasing the residence threshold to three months for certain children before an order of adoption is entered is assumed to have no significant impact on DCS.
- Upon notification by the receiving facility, DCS is required to assume the care, custody, and control of the infant and petition the appropriate court for legal custody.
- Additionally, within 10 days of receipt of an infant, DCS is required to give a newspaper notice once a week for 4 consecutive weeks in the county in which surrender occurred as well as any other county for which there is an indication the infant's mother or father may be located. A mother who surrendered the infant may revoke such surrender and putative father may claim paternity no later than 30 days after notice was completed. Failure to do so constitutes abandonment of the infant. The infant may be placed in foster care until the adoption process begins.
- The requirement for DCS to file a petition seeking termination of parental rights within certain timelines will not significantly impact DCS operations. Any impact on the court system will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

/cd